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CLEARINGHOUSE RULE 94-172

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated November 1991.]

2. Form, Style and Placement in Administrative Code

a. Introductory material should end in a colon and lead into the subunits that follow. [See s. 1.03 (8), Manual.] For example, see s. ILHR 20.07 (62) (intro.). That (intro.) should end with the following: “‘Shingle’ includes all of the following:”.

b. It would be more appropriate to treat s. ILHR 20.09 (2) in two SECTIONS. The first SECTION should amend s. ILHR 20.09 (2) (title). The second SECTION should renumber s. ILHR 20.09 (2) as s. ILHR 20.09 (2) (a), amend the new paragraph as necessary and insert “(title)” before the newly created paragraph title.

c. New material should be inserted after adjacent stricken material. See ss. ILHR 20.10 (1) (c), 20.18 (1), 20.19 (intro.) and (3), 21.03 (8), 21.04 (2) (c) 2 and 23.08 (2) (a) 3.

d. Amendments to titles should be indicated by “(title)” before the new title, rather than indicated with strike-throughs and underscores. See ss. ILHR 20.19 and 21.03 (7). [See s. 1.05, Manual.]

e. When material at the end of a sentence is deleted and new material is inserted, the period should not be stricken and then recreated. See ss. ILHR 20.19 (1) (b) and 21.045 (3) (c).

f. Subunits of a rule should end with periods rather than commas, semicolons or the words “and” or “or.” This will facilitate insertion or deletion of subunits in the future. Thus, s. ILHR 20.19 (2) (a), (b) and (c) should all end with periods.

g. When material is either stricken or added at the beginning of a sentence, capitalization of the first word must be achieved by deleting and adding words as necessary. For example, the third sentence of s. ILHR 21.05 (2) (a) should commence with “~~Mechanical~~ Balanced mechanical...” See also ss. ILHR 21.22 (5) (intro.), 21.26 (7) (b), 22.05 (1) (c), 22.11 (1) (c) and 23.08 (2) (a) 3.

h. “ILHR 21.08 (6)” should be added at the beginning of the new rule language in SECTION 51.

i. Section titles should not be included when subsections are affected. See s. ILHR 21.18 (1).

j. The treatment of the provisions in SECTIONS 69 and 71 should be incorporated into SECTION 64.

k. The word “new” in a rule is confusing. [See s. 1.01 (9) (b), Manual.] Thus, in s. ILHR 21.26 (2) (a), “Concrete masonry units constructed on or after _____” should replace “New concrete masonry units.”

4. Adequacy of References to Related Statutes, Rules and Forms

The Note after s. ILHR 20.09 (5) (c) should refer to the new statute number rather than the act number.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. A period is missing at the end of s. ILHR 20.04 (5).

b. The Note after s. ILHR 20.06 (2) does not accurately describe the statute.

c. Section ILHR 20.09 (2) (b) refers to a “Wisconsin administrative permit.” That term does not appear to be used at any other place in the Uniform Dwelling Code, and there is no way to determine the purpose of the permit.

d. Section ILHR 20.09 (3) (c) refers to a “seal fee” and there is no way to determine what is meant by that term.